

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the Mayor be authorized to sign a contract between the City of El Paso and Equity Control Corp, et al, placing certain restrictions on property rezoned by Ordinance No. 5221.

ADOPTED this 27 day of December 1973.

Fred Harvey
Mayor

ATTEST:

W. B. [Signature]

City Clerk

DEC 31 1973

DEPT. OF
PLANNING

CASE NO. 73-3797

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF LOT 25, BLOCK 3,
SAGELAND ADDITION, THE PENALTY
BEING AS PROVIDED IN SECTION 25-10
OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portion of Lot 25, Block 3, Sageland Addition be changed to C-3 within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Description of a parcel of land being a portion of Lot 25, Block 3, Sageland Addition, El Paso County, Texas and more particularly described by metes and bounds as follows to wit:

FROM the intersection of Yarbrough Drive and Rodeo Road; thence South $85^{\circ} 41' 24''$ West a distance of 80.00 feet; thence North $04^{\circ} 18' 36''$ West a distance of 30.00 feet to a point on the northerly right-of-way line of Rodeo Road; thence South $85^{\circ} 41' 24''$ West along the northerly right-of-way line of Rodeo Road a distance of 61.50 feet; thence 60.01 feet continuing along said right-of-way line and along the arc of a curve to the left whose interior angle is $03^{\circ} 26' 59''$ whose radius is 996.67 feet and whose chord bears South $83^{\circ} 57' 54''$ West a distance of 60.00 feet to the POINT OF BEGINNING:

Thence 140.59 feet along the northerly right-of-way line of Rodeo Road and along the arc of a curve to the left whose interior angle is $08^{\circ} 04' 55''$ whose radius is 996.67 feet and whose chord bears South $78^{\circ} 11' 57''$ West a distance of 140.47 feet;

Thence North $15^{\circ} 50' 30''$ West a distance of 105.00 feet;

Thence North $54^{\circ} 07' 00''$ West a distance of 805.33 feet;

Thence North $06^{\circ} 36' 05''$ West a distance of 57.72 feet;

Thence South $86^{\circ} 11' 50''$ West a distance of 105.00 feet;

Thence 482.12 feet along the arc of a curve to the right whose interior angle is $39^{\circ} 41' 09''$ whose radius is 696.06 feet and whose chord bears North $16^{\circ} 02' 26''$ East a distance of 472.54 feet;

Thence South 54° 07' 00" East a distance of 1043.22 feet;

Thence South 20° 48' 44" West a distance of 200.00 feet;

Thence South 54° 07' 00" East a distance of 214.07 feet;

Thence 45.00 feet along the arc of a curve to the left whose interior angle is 04° 36' 15" whose radius is 560.00 feet and whose chord bears South 07° 51' 08" West a distance of 44.99 feet;

Thence North 58° 11' 56" West a distance of 89.41 feet;

Thence South 01° 02' 20" West a distance of 44.00 feet;

Thence South 88° 57' 40" West a distance of 60.44 feet;

Thence South 03° 20' 22" West a distance of 82.47 feet to the POINT OF BEGINNING and containing in all 476,255.17 square feet or 10.933 acres of land more or less.

PASSED AND APPROVED this 27 day of December 1973.

Frank Henry
Mayor

ATTEST:

W. S. [Signature]
City Clerk

City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: V.L.
1-29-74 COUNTER
1-29-74 ORIGINAL
1-29-74 Bldg. Inspection
1-29-74 CONTROL

Raul Gonzales

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 5221
by Raul Gonzales Date 2-6-74

CONTRACT

This contract, made this _____ day of _____, 1973,
by and between EQUITY CONTROL CORP., a corporation, First Party,
The Southwest National Bank of El Paso, a corporation, Second Party, and
the City of El Paso, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of
a portion of Lot 25, Block 3, Sageland Addition in the City of El Paso,
El Paso County, Texas, such property being more particularly described
in Ordinance No. _____, now pending before the City Council of the
City of El Paso, a copy of which is attached hereto, marked Exhibit "A"
and made a part hereof by reference.

In order to remove certain objections to such rezoning, First
Party covenants that if the property is rezoned as is indicated in the
attached ordinance, it shall be subject to the following restrictions, con-
ditions and covenants:

1. First Party will, at no cost to the City, construct a decelera-
tion lane on Gateway Boulevard East to permit traffic to enter the property
at a point between the Interstate Highway 10 off-ramp and Yarbrough Drive.
Such construction shall include all necessary grading, paving, curbing and
gutters, and shall be done by First Party in accordance with plans and
specifications to be approved by the Texas Highway Department and the
Director of Traffic and Transportation of the City of El Paso.

2. No certificates of occupancy and compliance shall be issued
for any buildings constructed on the property until the deceleration lane
required under Paragraph 1 above has been completed by First Party and
approved by the Director of Traffic and Transportation of the City of El
Paso.

This agreement is a restriction, condition and covenant running with
the land and a charge and servitude thereon, and shall bind First Party

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seals:

BY _____
President

Secretary

BY James H. [Signature]
President

Cashier

BY
Mayor

City Clerk

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared GORDON FOSTER JR Vice-President of EQUITY CONTROL CORP. , a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 11th day of December, 1973.

Notary Public, El Paso County, Texas

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Thomas A. Ninkal Vice-President of THE SOUTHWEST NATIONAL BANK OF EL PASO, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 18th day of December, 1973.

Notary Public, El Paso County, Texas
My commission expires June 1, 1975

THE STATE OF TEXAS)

COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared FRED HERVEY, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 27th day of December, 1973.

Notary Public, El Paso County, Texas